

Timothy J. O'Hanlon, OSB No. 87309
MAUTZ BAUM & O'HANLON, LLP
101 SE BYERS AVE
PO BOX 628
PENDLETON OR 97801-0628
Telephone: (541) 276-2811
Fax: (541) 276-0543
E-mail: mbo@mautzetal.com
Attorneys for Defendant Frank J. Spokas, Jr., M.D.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

GLENN H. SONSTENG, Personal)	Civil No. 3:06-CV-476-SU
Representative of the Estate of)	
EDNA M. SONSTENG, Deceased,)	
)	
Plaintiff,)	DEFENDANT SPOKAS' OBJECTION
)	TO MAGISTRATE'S FINDINGS AND
v.)	RECOMMENDATIONS
)	
THE DOMINICAN SISTERS OF)	
ONTARIO, INC., an Oregon)	
non-profit corporation, dba HOLY)	
ROSARY MEDICAL CENTER;)	
JOSEPH J. BOYLE, M.D., and)	
FRANK J. SPOKAS, M.D.,)	
)	
Defendants.)	

Defendant Spokas objects to the following Findings and Recommendations
of Magistrate Patricia Sullivan:

1. Defendant Spokas objects to the Magistrate's finding:

"Nothing in ORS 30.075 prohibits plaintiff from continuing an action
for personal injury as a survival action and maintaining in the same
complaint an action for wrongful death. * * *

/ / /

- 1 - DEFENDANT SPOKAS' OBJECTIONS TO MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS (Case No. 3:06 CV-476-SU)

Defendants' Motion to Dismiss the survival claim should be denied." Findings and Recommendation, pp. 15 and 16.

2. Defendant Spokas objects to the Magistrate's finding:

" * * * should plaintiff recover under the alternative survival theory, the statutory cap may not apply. * * *"

"Defendant Dr. Spokas's Motion to Strike should be denied." Findings and Recommendation p. 16

Defendant Spokas' objections are supported by the Memorandum filed herewith.

DATED this 10th day of July, 2007.

MAUTZ BAUM & O'HANLON, LLP

By: /s/Timothy J. O'Hanlon
Timothy J. O'Hanlon
OSB No. 87309
Attorneys for Defendant
Frank J. Spokas, M.D.
(541) 276-2811

**RE: SONSTENG v. THE DOMINICAN SISTERS OF ONTARIO, INC.,
ET AL**
CASE NO.: 3:06-CV-476-SU
**DOCUMENT: DEFENDANT SPOKAS' OBJECTION TO MAGISTRATE'S
FINDINGS AND RECOMMENDATIONS**

CERTIFICATE - TRUE COPY

I HEREBY CERTIFY that the foregoing copy of the above-named document(s) is a complete and exact copy of the original.

MAUTZ BAUM & O'HANLON, LLP
Attorneys for Defendant Spokas

By: _____
Timothy J. O'Hanlon

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CERTIFICATE(S) OF SERVICE

Electronic Filing: I HEREBY CERTIFY that I served the above-named document(s) on the following by electronic filing on July 10, 2007:

MR BERNARD JOLLES
JOLLES & BERNSTEIN PC
721 SW OAK ST 2ND FLR
PORTLAND OR 97205

Attorneys for Plaintiff Sonsteng

MR CARL BURNHAM JR
YTURRI ROSE LLP
89 SW 3RD AVE
PO BOX S
ONTARIO 97914

Attorneys for Defendant Dominican
Sisters of Ontario, Inc.

FAXING/MAILING: I HEREBY CERTIFY that I served the above-named document(s) on the following by **FAXING AND MAILING** a **TRUE COPY** thereof, certified by me as such, contained in a sealed envelope with postage fully prepaid, addressed to the last known address and deposited in the post office at Pendleton, Oregon, on July 10, 2007:

MR DAVID C LANDIS
ATTORNEY AT LAW
1515 SW 5TH AVE #844
PORTLAND OR 97201

Attorney for Defendant Boyd, M.D.

FAX NO. 503-224-5826

MAUTZ BAUM & O'HANLON, LLP
Attorneys for Defendant Spokas

By: /s/ Timothy J. O'Hanlon
Timothy J. O'Hanlon

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AND RECOMMENDATIONS (Case No. 3:06 CV-476-SU)